

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Department of Human Resources**

The instruction should be filed  
behind the divider for Part III of  
DPM Chapter(s) **8, 9 & 36**

**District Personnel Manual Issuance System**  
**DPM Instruction No. 8-57, 9-28 & 36-6**

**SUBJECT:** Priority Reemployment Consideration for Employees  
Affected by Reduction-In-Force (RIF)

**Date:** July 31, 2008

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**NOTE:** This District Personnel Manual (DPM) instruction supersedes DPM Instruction No. 8-26, *Placement Assistance Programs*, dated July 29, 1993.

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**1. Purpose**

The purpose of this DPM instruction is to provide general information on the two (2) priority reemployment consideration programs, the *Agency Reemployment Priority Program (ARPP)* and *Displaced Employee Program (DEP)*, available for eligible Career Service employees who are issued a reduction-in-force (RIF) notice, and who are ultimately separated by RIF (hereinafter collectively referred to as "displaced employees"). This instruction also provides information on the *ARPP for attorneys* in the Legal and Excepted Services who are affected by RIF.

**2. Authority**

D.C. Official Code § 1-624.02; Chapter 24 of the D.C. personnel regulations, Reductions in Force; Chapter 8 of the regulations, Career Service; Chapter 36 of the regulations, Legal Service; and Chapter 3 of the regulations, Residency.

**3. Applicability**

**a. Priority Placement Consideration for Career Service Employees**

Career Service employees in *Tenure Groups I and II* shall be eligible for priority consideration under the *ARPP* and *DEP* upon separation from their competitive level due to RIF.

[Note: The provisions for the *ARPP* and *DEP* applicable to the Career Service are contained in paragraphs 6 through 9 of this instruction.]

**b. Priority Placement Consideration for Attorneys in the Legal and Excepted Services**

(1) The following attorneys shall be eligible for priority consideration under an *ARPP for attorneys* upon separation from their competitive level due to RIF:

(a) Line attorneys in the Legal Service;

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**NOTE:** *DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3]*

**Inquiries:** Policy and Planning Administration, DCHR (202) 442-9700

**Distribution:** Heads of Departments and Agencies, HR Advisors and DPM Subscribers

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- (b) Supervisory or non-supervisory attorneys in the Legal Service who do not occupy positions in the Senior Executive Attorney Service (SEAS); and
  - (c) Attorneys appointed to the Excepted Service who do not have reinstatement eligibility to the Career Service.
- (2) Except as specified in subparagraph 3(b)(3) below, *priority consideration* under the *ARPP for attorneys* as described in subparagraph 3 (b)(1) above shall be limited only to other attorney positions in the service the displaced attorney was serving in at the time of separation that are at grades no higher than the grade held by the employee at the time of separation.
- (3) An attorney as described in subparagraph 3 (b)(1) above who has reinstatement eligibility to the Career Service and who is separated from his or her competitive level by RIF shall be eligible for priority consideration under the “regular” *ARPP* and the *DEP* for positions for which qualified, at grades no higher than the grade last held under a Career Appointment (Permanent) or at any lower grade acceptable to the employee.

#### 4. Collective Bargaining Agreements

Any provisions of a collective bargaining agreement (CBA) on this subject shall take precedence over the provisions of this instruction for those employees covered by the CBA, to the extent that there is a difference.

#### 5. Definitions

<b><i>Competitive Area</i></b> – the organizational boundaries in which a RIF is conducted.
<b><i>Competitive Level</i></b> – the grouping of similar positions (in a competitive area) within which employees compete for retention.
<b><i>Displaced Employee</i></b> – a former employee in the Career Service; a line attorney or a supervisory or non-supervisory employee in the Legal Service who does not occupy a position in the SEAS; or an Excepted Service attorney who is separated by RIF.
<b><i>Obligated Position</i></b> – a position to which an employee has restoration rights under the law.
<b><i>Representative Rate</i></b> – the rate used to determine the nature of a job change when the job change involves different salary/rate schedules. The representative rate is used to determine if the job change is a promotion, change to lower grade, or reassignment, by comparing the representative rates of the different salary or rate schedules involved). A representative rate is the going rate of the jobs or grades between which the employee is being changed.
<b><i>Retention Register</i></b> – the listing of employees occupying positions in a competitive level by tenure group and RIF service computation date (RIF SCD).
<b><i>Retention Standing</i></b> – the employee’s standing on the retention register in relation to other competing employees.
<b><i>Temporary Appointment Pending Establishment of Register (TAPER)</i></b> – a temporary appointment (in the Career Service) pending the establishment of a register of eligibles, made when there are insufficient candidates on a register appropriate for filling a position that will last for more than one (1) year and the public interest requires that the vacancy be filled before eligibles can be certified.

***Tenure Group*** – the retention group in which competing employees are categorized according to their type of appointment at the time of the RIF. There are three (3) *tenure groups*:

- ***Tenure Group I*** – each employee (other than employees in *groups II or III*) who is not serving a probationary period;
- ***Tenure Group II*** – each employee serving a probationary period; and each employee who has completed a probationary period and who is in an obligated position; and
- ***Tenure Group III*** – each employee serving under an indefinite appointment, a *TAPER*, or a term appointment.

***Term Appointment*** – a Career Service appointment with a specific time limitation (duration) in excess of one (1) year but not exceeding four (4) years, unless extended by the personnel authority as specified in Chapter 8 of the regulations.

**6. Eligibility, Enrollment, and Length of Eligibility – ARPP and DEP**

- a. Displaced employees in *Tenure Groups I and II* who are separated from their competitive level (displaced employees) are eligible for participation in the *ARPP* and *DEP*.
- b. Displaced employees in *Tenure Groups I and II* will be entered automatically on the *ARPP List* immediately after it has been determined that such employees are to be adversely affected by a RIF, but not later than issuance of the RIF notice.
- c. Automatic enrollment in the *DEP* will be effected no later than the date of separation from the competitive level.
- d. Each displaced employee in *Tenure Group I and II* is eligible for referral to positions for which qualified at his or her current grade level and at any lower grade acceptable to the employee.
- e. *Tenure Group I* employees shall remain on the *ARPP* and the *DEP lists* for two (2) years from the date of separation.
- f. *Tenure Group II* employees shall remain on the *ARPP* and the *DEP lists* for one (1) year from the date of separation.

**7. Agency Reemployment Priority Program (ARPP) – Career Service**

The *ARPP* in a Nutshell:

***John Doe*** is Issued a RIF Notice and is Subsequently Separated by RIF from *Subordinate Agency A*



***Under the ARPP, John Doe*** is to be referred for priority consideration to Career Service positions for which he qualifies in *Subordinate Agency A*

- a. An *ARPP* is established for each agency in which *Tenure Groups I and II* employees are displaced.

- b. Under the *ARPP*, displaced employees are entitled to priority consideration for reemployment in the agency from which they were separated by RIF.
- c. When a qualified person is available on the *ARPP list*, a Career Service position within the competitive area (that is, the agency in which the RIF is conducted) shall not be filled by the following:
  - (1) A new appointment;
  - (2) Transfer; or
  - (3) Reemployment of a person not on the appropriate *ARPP* list.
- d. Employees who are issued a RIF letter are to be given priority consideration for all agency vacancies that are open during the RIF notice period (before separation).
- e. In selecting employees on the *ARPP* from among those adversely affected by RIF but who have not yet been separated, offers of employment shall be made according to the employees' relative standing in their competitive levels. In this regard, a lower standing employee shall not be offered a position if a higher standing employee qualifies for the position, unless the employee with the higher standing declines the position.
- f. Displaced employees are referred for priority consideration/selection via a **Priority Consideration Selection Certificate**; and selection is mandatory, unless:
  - (1) The selecting official submits a written justification for non-selection to the D.C. Department of Human Resources (DCHR), and the DCHR approves the justification; or
  - (2) The displaced employee declines the job offer.
- g. A person who is not on the *ARPP list* or a person with lower standing than others on the list may be appointed when it is necessary to obtain an employee for duties that cannot be taken over without undue interruption to the agency by a person on the list with higher standing than the person appointed. *See* section 2428.6 of Chapter 24 of the regulations

8. **Displaced Employee Program (DEP) – Career Service**

The *DEP* in a Nutshell:

***Jane Doe*** is Issued a RIF Notice and is Subsequently Separated by RIF from *Subordinate Agency A*



Under the *DEP*, *Jane Doe* is to be referred for priority consideration to Career Service positions for which she qualifies in Subordinate Agencies other than Subordinate Agency A.

- a. The DCHR must establish and maintain a *DEP list* for priority placement referral of displaced employees to all agencies under the personnel authority of the Mayor (subordinate agencies).
- b. When a qualified person is available on the *DEP list*, a Career Service position shall not be filled by the following:
  - (1) A new appointment;
  - (2) Transfer; or
  - (3) Reemployment of a person not on the *DEP list*.
- c. The displaced employee's name shall be entered on the *DEP list* for all positions for which qualified as follows:
  - (1) At the employee's grade level at the time of separation; and
  - (2) At any lower grade acceptable to the employee.
- d. Individuals are referred for priority consideration/selection via a **Priority Consideration Selection Certificate**; and selection is mandatory, unless:
  - (1) The selecting official submits a written justification for non-selection to the DCHR, and the DCHR approves the justification; or
  - (2) The employee declines the job offer.

**9. Termination from the ARPP and DEP**

Enrollment in the *ARPP* and *DEP* will cease when a displaced employee:

- a. Submits a written request that placement assistance be terminated;
- b. Declines any non-temporary position with a tour of duty similar to, and a *representative rate* the same as or higher than that of, the position from which separated, in the same *competitive area*; or
- c. Accepts and is placed in a non-temporary position with a tour of duty similar to, and a *representative rate* the same as or higher than that of, the position from which separated, in the same *competitive area*.

**10. Responsibilities**

- a. D.C. Department of Human Resources (DCHR)

The DCHR is responsible for establishing, maintaining, and administering the *ARPP* (including *ARPP for displaced attorneys*, as needed) and *DEP* for priority placement referral of displaced employees in subordinate agencies, including but not limited to the following:

- (1) Upon the posting of job requisitions advertised as "*Open to the General Public*," or preferably before posting, check if there are any displaced employees who are entitled to automatic priority consideration;
- (2) Maintain communication with displaced employees (to obtain updated employment application, etc.);
- (3) Establish and maintain *ARPP* and *DEP master lists* and electronic databases to locate and evaluate displaced employees qualifications against specific recruitment requests;
- (4) Make priority placement referrals of displaced employees; and
- (5) Evaluate each selecting official's justification for non-selection of an *ARPP* or a *DEP* referral, make a final decision on the matter, and inform the selecting official of the final decision.

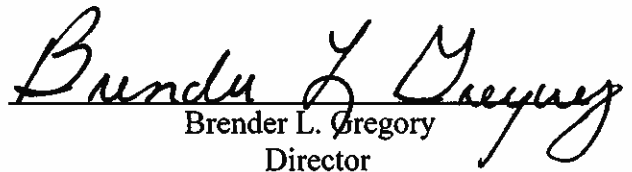
b. Human Resources (HR) Advisors in subordinate agencies

HR Advisors shall:

- (1) Stress the importance of the *ARPP* and *DEP* among selecting officials within the agency, including the fact that displaced employees referred under the *ARPP* and *DEP* shall be given due consideration for selection; and
- (2) Coordinate the "clearance" of agency positions (preferably before posting) with appropriate staff within the DCHR.

c. Selecting Officials in subordinate agencies shall:

- (1) Give due consideration for selection to displaced employees referred under the *ARPP* or *DEP*; and
- (2) Prepare a written justification for any non-selection of a displaced employee referred under the *ARPP* and *DEP*.

  
Brender L. Gregory  
Director